

IN RE: PETITION FOR ZONING VARIANCE  
3/5 Old Battle Grove Road,  
740' +/- S of St. Patricia  
(7305 Old Battle Grove Road)  
15th Election District  
5th Councilmanic District  
Frank Rynarzewski, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-346-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Petitioners' son, Frank Rynarzewski. There were no Protestants.

Testimony indicated that the subject property, known as 7305 Old Battle Grove Road, consists of 10,406 sq. ft. zoned D.R. 5.5 and is presently unimproved. Said property is located within the Chesapeake Bay Critical Areas on Bear Creek. Testimony indicated Petitioners purchased the subject property, also known as Lot 3 of Battle Grove, in November, 1989 with the intention of developing the property with a single family dwelling, as depicted on Petitioner's Exhibit 1, for their son and daughter-in-law. When Petitioners applied for their building permit, they were advised to file the instant variance as the property does not meet current lot width requirements. Testimony indicated there is no other additional land on either side of the subject property which is available for Petitioners to purchase in order to meet said requirements. Petitioners testified that the proposed dwelling can be developed to meet Critical Areas legislation requirements as well as all front, side and rear yard building setbacks.

Further testimony indicated that to grant the relief requested would not result in any detriment to the health, safety or general welfare of the surrounding community.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of

the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserv fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of March, 1990 that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1,

be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; However, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The relief granted herein is conditioned upon the development of the subject property in strict compliance with the zoning regulations. There shall be no side, rear or front yard variances requested for the subject property.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 29, 1990, attached hereto and made a part hereof.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING

Date 3/19/90 By [Signature]

ORDER RECEIVED FOR FILING

Date 3/19/90 By [Signature]

ORDER RECEIVED FOR FILING

Date 3/19/90 By [Signature]

ORDER RECEIVED FOR FILING

Date 3/19/90 By [Signature]

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-346-A  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 500.14 of the Zoning Regulations of Baltimore County to permit a lot width of 50 feet in lieu of the required 55 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

My wife and I bought the land as a building lot. Our intention was to build a house on the lot for my son and his future wife. We thought we would give our son & his future wife a good start in life.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Account: R-001-6150

Number

receipt  
No 830

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date

12/24/89

PUBLIC HEARING FEES

010 - ZONING VARIANCE (1RL)

LAST NAME OF OWNER: RYNARZEWSKI

QTY

PRICE

1 X \$35.00

TOTAL: \$35.00

0 022 \*\*\*\*\*3500\* 2261\*

Please make checks payable to: Baltimore County

Customer Validation:

CRITICAL AREA

ZONING DESCRIPTION

Beginning at a point on the North side of Old Battle Grove Road which is 30 feet wide at the distance of Approx. 1400 feet ± North of the centerline of the nearest improved intersecting street St. Patricia which is 40 feet ± wide. Being Lot #3, Block (1), Section # (1) in the subdivision of Battle Grove as recorded in Baltimore County Plat Book #5, Folio #75, containing Approx. 10,406± square feet. Also known as 7305 Old Battle Grove Road and located in the #15th Election District of Baltimore County Maryland. Liber #2856, Folio #158

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th  
Posted for: Variance  
Petitioner: Frank Rynarzewski et ux  
Location of property: 7305 Old Battle Grove Rd, 740' +/- S of Patricia St.  
Location of Sign: Facing Old Battle Grove Rd, across St. Patricia St.  
Remarks: Property of Petitioner  
Posted by: [Signature]  
Number of Signs: 1  
Date of Posting: 2/23/90  
Date of return: 2/27/90

CERTIFICATE OF PUBLICATION  
TOWSON, MD. February 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 15, 1990

THE JEFFERSONIAN,

Publisher

CERTIFICATE OF PUBLICATION  
TOWSON, MD. February 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 15, 1990

THE JEFFERSONIAN,

S. Zabe Orlean  
Publisher

CERTIFICATE OF PUBLICATION  
Office of  
THE AVENUE NEWS

442 Eastern Blvd.  
Baltimore, Md. 21221

February 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement of Frank Rynarzewski in the matter of Petition for Zoning Variance on 7305 Old Battle Grove Rd, Case # 90-346-A P.O.#012663, Req. #N38202. 91 lines @.35 or \$30.05

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 16 day of Feb, 1990; that is to say, the same was inserted in the issues of Feb 15, 1990.

The Avenue Inc.  
per publisher

By David C. Caldwell

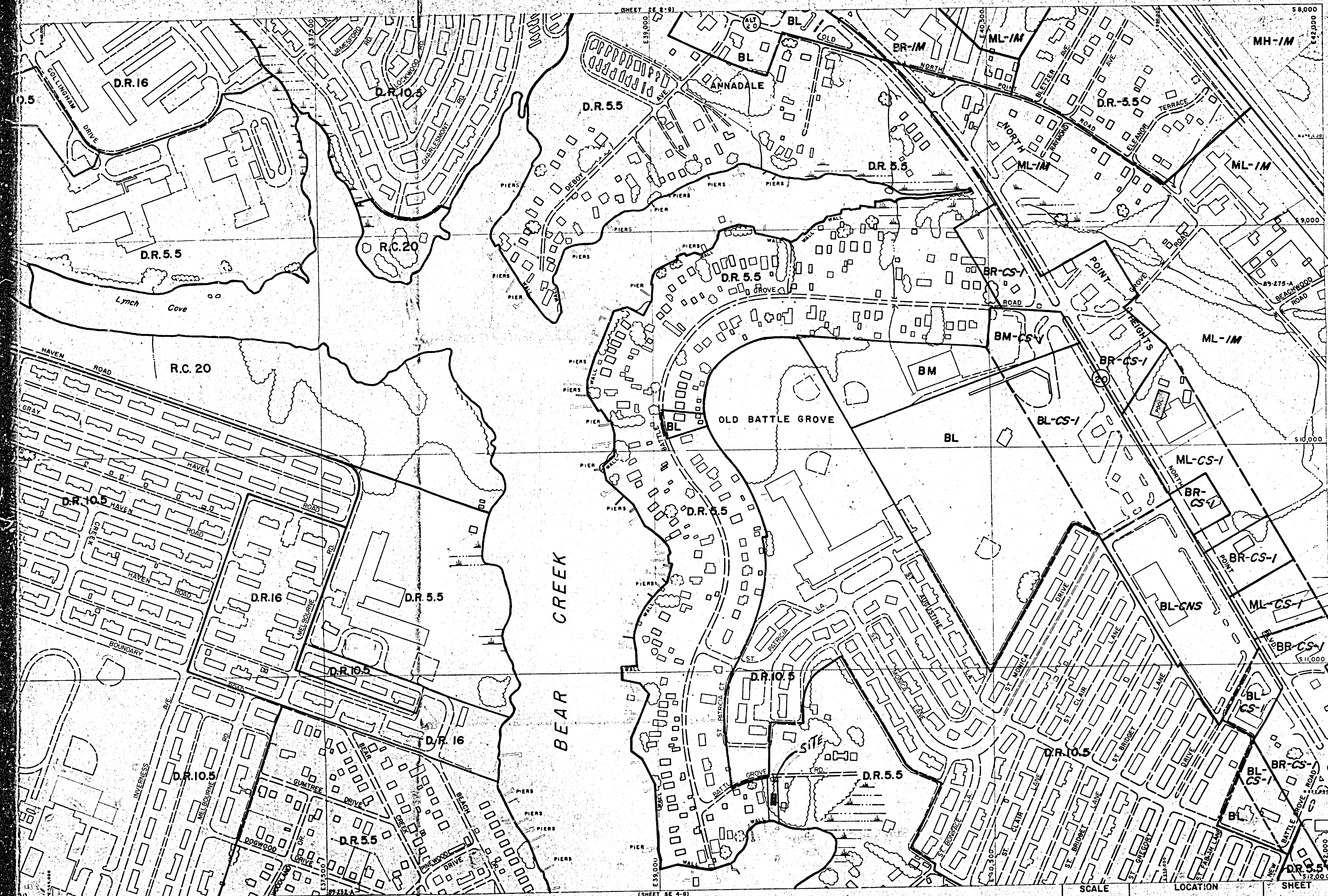


JK/KEK









1988 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 12, 1988  
 BILL Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88  
 Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION NORTH POINT	SHEET S.E. 3-G
DATE OF PHOTOGRAPHY JANUARY 1986		

90-346-A